

**RULES
OF
TENNESSEE REGISTRY OF ELECTION FINANCE**

**CHAPTER 0530-1-3
CAMPAIGN FINANCE RULES**

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0530-1-3-.01 ELECTIONS.

- (1) A primary election, general election, run-off election or special election is each considered a separate election with separate contribution limits.

Authority: T.C.A. §§ 2-10-207(1), 2-10-102(4), 2-10-302, and 2-10-306(a). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.02 CAMPAIGN CONTRIBUTIONS.

- (1) Contributions from a candidate's family members are subject to the same dollar limitations as contributions from any other individual.
- (2) A child under eighteen (18) years of age may make contributions from monies he/she owns or controls if the child knowingly and voluntarily makes such contributions. Children may not use funds provided as a gift to them for the purpose of making a contribution.
- (3) If a person is a candidate for more than one state or local office, an individual or multicandidate political campaign committee may make contributions which do not exceed the dollar limits as set forth in T.C.A. §§2-10-302 and 2-10-306, to the candidate or his/her authorized political committees for each election for each office, as long as:
 - (a) Separate campaign bank accounts are maintained for each campaign.
 - (b) Each campaign shall have different and distinct campaign names (i.e. John Doe for State Senate and John Doe for Property Assessor).
 - (c) Separate contribution checks must be written to each separate campaign.
- (4) A candidate who accepts contributions for an election in a particular election year may not accept contributions for the same office in any future election year until the completion of all elections in which the candidate is involved in the present election year. (I.e. An individual who is a candidate in a 2000 election cannot collect monies for the 2002 elections for the same office until all the 2000 elections in which the person is a candidate have been completed for that office.)
- (5) A member of the General Assembly is prohibited from soliciting or accepting contributions for his or her candidacy for local office during the period specified in T.C.A. §2-10-310(a).

Authority: T.C.A. §§ 2-10-206(5), 2-10-207(1), 2-10-302(a), and 2-10-309. **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.03 ATTRIBUTION OF CAMPAIGN CONTRIBUTIONS.

- (1) A candidate's campaign financial disclosure report must disclose the particular election for which each itemized contribution is allocated. The Registry staff will return a campaign financial disclosure report to a candidate for such designations if the allocations are not indicated on the report.
- (2) If a candidate has outstanding loans and/or obligations after an election cycle, the candidate may accept additional monies for that election cycle up to the amount necessary to pay off those outstanding loans and/or obligations, not exceeding the limits set forth in T.C.A. §§2-10-302 and 2-10-306. Any monies received by the candidate that exceed the amount necessary to repay outstanding loans and/or obligations from a previous election cycle may be applied by the candidate to his/her next election cycle, used for constituent services or expended as surplus campaign funds as provided in T.C.A. §2-10-114.
- (3) Contributions made by written instrument, such as a check, shall be attributed to the payor of the instrument, unless otherwise indicated.
- (4) Any reduction in the unpaid balance of a loan shall reduce proportionally the amount endorsed or guaranteed by each endorser or guarantor. Once the loan is repaid in full, the guarantee or endorsement no longer counts against such guarantor's or endorser's contribution limits.

Authority: T.C.A. §§ 2-10-207(1), 2-10-309, and 2-10-304(b). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.04 CERTIFICATION OF POLITICAL TREASURER.

- (1) After a candidate completes his/her last election in an election year, a candidate must file an "Appointment of Political Treasurer's Statement" to certify the name of the campaign treasurer with the Registry and/or local county election commission, as appropriate, before the candidate may receive any additional contributions for a future election or for constituent services, unless the candidate has an outstanding loan or obligation from a prior election. The candidate may utilize the same individual as political treasurer that has been used in a past election cycle, but the new designation of treasurer must be filed.

Authority: T.C.A. §§ 2-10-207(1), 2-10-105(e), and 2-10-105(g). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.05 BOOKKEEPING PROCEDURES.

- (1) A candidate must adopt a record-keeping system to distinguish between contributions made for a primary election and those made for a general election. Contributions received for a general election may not be spent in the preceding primary election, but any funds remaining from a primary election may be used in a subsequent general election.
- (2) A candidate through his/her record-keeping system must be able to determine the aggregate amount of contributions received per election from each contributor.
- (3) A candidate must have a bookkeeping system in place documenting contributions and expenditures. The Registry recommends that candidates and their committees maintain copies of all contributions received or in the alternative a journal or listing of contributions and expenditures.

Authority: T.C.A. §§ 2-10-206(5), 2-10-207(1), and 2-10-105(f). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.06 DISCLOSURE OF AFFILIATION OF MULTICANDIDATE POLITICAL CAMPAIGN COMMITTEES (PACS).

- (1) When registering as a multicandidate political campaign committee (PAC), a committee must disclose its affiliation with any other PACs and provide the names and addresses of those PACs. Such affiliations must be disclosed in the PAC's appointment of political treasurer statement. A committee must notify the Registry if it later becomes affiliated with any other PACs and provide the names and addresses of those PACs within thirty (30) days of the affiliation occurring.

Authority: T.C.A. §§ 2-10-207(1), 2-10-102(13), and 2-10-303(4). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.

0530-1-3-.07 INDEPENDENT CAMPAIGN EXPENDITURES

- (1) "Independent expenditure" means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request of, or suggestion of, a candidate or any agent or authorized committee of such candidate.
- (2) "Expressly advocating" means any communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as "vote for", "elect", "support", "cast your ballot for", or "vote against", "defeat" or "reject".
- (3) "Clearly identified candidate" means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous reference.
- (4) "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" means:
 - (a) Any arrangement, coordination, or direction by the candidate or his/her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is:
 1. Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agent(s), with a view toward having an expenditure made; or
 2. Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of any authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.
- (5) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures.
- (6) An expenditure not qualifying under this section as an independent expenditure shall be an in-kind contribution to the candidate.
- (7) No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.

(Rule 0530-1-3-.07, continued)

- (8) Every political committee, which makes independent expenditures, shall report all such expenditures on campaign disclosure reporting forms pursuant to T.C.A. §2-1-105(d). Independent expenditures totaling more than \$100 to a single payee during a reporting period made to support or oppose a clearly identified candidate shall be itemized, disclosing the name and address of the payee, the purpose, date and amount of the expenditure and the office sought by the candidate. Those independent expenditures totaling \$100 or less to a single payee during a reporting period shall be reported as a total by categories.

Authority: T.C.A. §§ 2-10-105(d), 2-10-107(c), 2-10-107(d), 2-10-207(1), and 2-10-303(5). **Administrative History:** Original rule filed August 29, 2001; effective December 28, 2001.